

## Message Text

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ORIGIN NRC-07

INFO OCT-01 ARA-10 EUR-12 EA-09 IO-13 ISO-00 L-03 OES-06

ERDA-07 ACDA-10 CIAE-00 INR-07 NSAE-00 NSC-05 EB-07

DODE-00 FEA-01 /098 R

DRAFTED BY NRC - MR. ROTHSCHILD:MERS  
APPROVED BY L/OES - RONALD J. BETTAUER  
OES/NET/IM - MR. HOYLE  
ERDA - MR. BRUSH (INFO)  
EUR/NE - MS. SHIRLEY  
ARA/BR - MS. ELTZ  
EUR/CAN - MR. ROUSE  
EUR/WE -MS. SMITH  
EUR/WE - MR. BEIGEL  
EA/J - MR. ECTON  
ARA/MEX-MR FALK  
EUR/NE-MR DURKEE  
EUR/ME-MR WOODS  
EUR/NE-MR SHUMATE  
EUR:CE-MR KURZE

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FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY BRASILIA PRIORITY

AMEMBASSY OTTAWA PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY TOKYO PRIORITY

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AMEMBASSY MADRID PRIORITY

AMEMBASSY STOCKHOLM PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY BONN PRIORITY

USMISSION IAEA VIENNA PRIORITY

USMISSION OECD PARIS PRIORITY

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E.O. 11652: N/A

TAGS: NERG

SUBJECT: LIMITATION ON LIABILITY FOR NUCLEAR ACCIDENTS

1. A LAW SUIT HAS BEEN BROUGHT CHALLENGING THE CONSTITUTIONALITY OF THE PRICE-ANDERSON ACT 560 MILLION DOLLAR LIMITATION ON LIABILITY FOR NUCLEAR POWER PLANT ACCIDENTS IN THE UNITED STATES. ADVERSE RULING COULD HAVE SERIOUS IMPACT ON UTILIZATION OF NUCLEAR ENERGY IN UNITED STATES. A COURT HEARING IS SCHEDULED TO BEGIN SEPTEMBER 27. BY THAT DATE WE NEED TO KNOW HOW THE UNITED STATES LAW COMPARES WITH THAT OF OTHER COUNTRIES WHICH USE NUCLEAR POWER PLANTS TO GENERATE ELECTRICITY. WE REQUEST YOU CABLE RESPONSE TO FOLLOWING QUESTIONS BY SEPTEMBER 27. REQUESTED INFORMATION SHOULD BE OBTAINED FROM APPROPRIATE HOST COUNTRY AUTHORITIES. RESPONSES SHOULD BE SLUGGED QUOTE FOR NRC - MR. EILPERIN UNQUOTE.

A. DOES HOST COUNTRY LIMIT THE LIABILITY OF NUCLEAR POWER PLANT OPERATORS FOR NUCLEAR ACCIDENTS? IF SO, WHAT IS THE LIMITATION?

B. MUST NUCLEAR POWER PLANT OPERATORS OBTAIN INSURANCE OR OTHER FINANCIAL PROTECTION TO COMPENSATE THOSE INJURED

IN A NUCLEAR ACCIDENT? IF SO, UP TO WHAT AMOUNT?

C. DOES HOST COUNTRY HAVE A LAW PROVIDING FOR GOVERNMENT INDEMNITY IN THE CASE OF NUCLEAR POWER PLANT ACCIDENT? IF SO, TO WHAT AMOUNT?

2. IN ADDITION, PLEASE AIRMAIL TEXT OF PERTINENT LAWS, WITH ENGLISH TRANSLATION IF AVAILABLE, TO MR. STEPHEN EILPERIN, U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, D.C. 20555.

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3. FOR MISSIONS TO IAEA VIENNA AND OECD PARIS: IF LEGAL OFFICE OF IAEA OR NEA CAN PROVIDE ANY COMPILATIONS OF LAWS OR INFORMATION RELEVANT TO ABOVE QUESTIONS, WOULD APPRECIATE YOUR SENDING THEM TO EILPERIN ALSO. ROBINSON

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